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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,415	03/07/2002	Manuel Nedbal	01.298.01	8892
23117	7590	03/08/2006	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			KANG, INSUN	
			ART UNIT	PAPER NUMBER
			2193	
DATE MAILED: 03/08/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/091,415	Applicant(s) NEDBAL ET AL.	
	Examiner Insun Kang	Art Unit 2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/12/05, 12/14/05, 2/16/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-3, 8-10, 12-18, 23-25, 27-33, 38-40, 42-48, 53-55, 57-63, 68-70, 72-78, 83-85, and 87-94 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-3, 8-10, 12-18, 23-25, 27-33, 38-40, 42-48, 53-55, 57-63, 68-70, 72-78, 83-85, and 87-94 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/14/05; 2/16/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed 12/12/2005, 12/14/2005, and 2/16/2006.
2. As per applicant's request, claims 4-7, 11, 19-22, 26, 34-37, 41, 49-52, 56, 64-67, 71, 79-82, and 86, have been cancelled, claims 1, 10, 16, 25, 31, 40, 46, 55, 61, 70, 76, and 85 have been amended and claims 91-94 have been added. Claims 1-3, 8-10, 12-18, 23-25, 27-33, 38-40, 42-48, 53-55, 57-63, 68-70, 72-78, 83-85, and 87-94 are pending in the application.

Drawings

3. The drawing filed 12/12/2005 is accepted.

Specification

4. The objection to the specification has been withdrawn due to the amendment to the Specification.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claims 1-90 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Per claims 1-90, the claims use the word "operable." It is unclear whether the functionalities such as receiving at said destination computer operation in claim 1 is actually performed or it is only an intended action. Therefore, the scope of the claims is unclear. Appropriate correction using more definite word(s) is required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uszok et al. (US PG Pub. No. 2004/0205772) hereinafter referred to as "Uszok" in view of Kouznetsov et al. (US patent No. 6,931,546) hereafter Kouznetsov.

Per claim 1:

Uszok discloses:

- triggering an operation at a destination computer using data transferred between a source computer and said destination computer(i.e. paragraph 0009)
- receiving code operable to receive at said destination computer operation specifying XML data sent by said source computer(i.e. 0050, 0014, 0055)
- parsing code operable to parse said operation specifying XML data to identify one or more complex data types within said operation specifying XML data (i.e. 0057);

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-matching code operable to match the or each complex data type with an associated execution process available to said destination computer (i.e. 0057); and triggering code operable to trigger processing by the or each execution process associated with a complex data type within said operation specifying XML data (i.e. 0054, 0064); wherein said operation performed includes configuring said destination computer to execute a computer program (i.e. 0144).

Uszok does not explicitly teach that said execution process is operable to map configuration data specified within said operation specifying XML data to a configuration data store of said destination computer; wherein said configuration data store is one of: a Windows Registry entry; an INI file; a DAPI store; and a database entry. However, Kouznetsov teaches it was known in the pertinent art, at the time applicant's invention was made, to provide access privilege and installation authorization (i.e. col. 4 lines 25-54) such as those disclosed in Kouznetsov. It would have been obvious for one having ordinary skill in the art to modify Uszok's disclosed system to incorporate the teachings of Kouznetsov. The modification would be obvious because one having ordinary skill in the art would be motivated to ensure authorized access privilege as suggested by Kouznetsov (i.e. col. 4 lines 25-54).

Uszok further discloses: wherein an identifier of an execution process within said complex data type includes at least one of: data specifying a computer file operable to trigger said execution process; data specifying a communication channel operable to trigger said execution process; and data specifying an operating system command operable to trigger said execution process (i.e. 0068).

Per claim 2:

The rejection of claim 1 is incorporated, and further, Uszok discloses:

- wherein parameter data used by an execution process is represented by data within said complex data type of said execution process (i.e. 0069,0077,0088) as claimed.

Per claim 3:

The rejection of claim 1 is incorporated, and further, Uszok discloses:

- wherein said operation performed includes making a call to an API available to said destination computer (i.e. 0137) as claimed.

Per claim 8:

The rejection of claim 1 is incorporated, and further, Uszok discloses:

- wherein said operation includes returning result data from said destination computer to said source computer in dependence upon said operation performed by said execution process (i.e. 0009, 0070, 0093) as claimed.

Per claim 9:

The rejection of claim 8 is incorporated, and further, Uszok discloses:

- wherein said result data includes data specifying existing configuration data of said destination computer (i.e. 0122) as claimed.

Per claim 10:

The rejection of claim 9 is incorporated, and further, Uszok discloses:

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- wherein said execution process is operable to map existing configuration data of said destination computer stored within a configuration data store of said destination computer to said result data to be returned to said source computer (i.e. 0100) as claimed.

Per claim 11:

The rejection of claim 10 is incorporated, and further, Uszok discloses:

- wherein said configuration data store is one of: a Windows Registry entry; an INI file; a DAPI store; and a database entry (i.e. 0048) as claimed.

Per claim 12:

The rejection of claim 10 is incorporated, and further, Uszok discloses:

- wherein said result data is passed from said destination computer to said source computer as XML data (i.e. 0088, 0128) as claimed.

Per claim 13:

The rejection of claim 1 is incorporated, and further, Uszok discloses:

- wherein said operation includes returning result data from said destination computer to said source computer in dependence upon whether or not said execution process is available to said destination computer (i.e. 0050, 0068) as claimed.

Per claim 14:

The rejection of claim 1 is incorporated, and further, Uszok discloses:

- wherein an operation that may be performed by said destination computer includes installing a new execution process (i.e. 0083) as claimed.

Per claim 15:

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The rejection of claim 1 is incorporated, and further, Uszok discloses:

-wherein said operation specifying data is validated by said destination computer by comparing with a 10 template defining valid data (i.e. 0073) as claimed.

Per claim 16:

Uszok discloses:

-triggering an operation at a destination computer using data transferred between a source computer and said destination computer

-data forming code operable to form at said source computer operation specifying XML data containing one or more complex data types (i.e. 0050, 0014, 0055)

-transmitting code operable to transmit from said source computer to said destination computer said operation specifying XML data(i.e. 0057); wherein the or each complex data type within said operation specifying XML data corresponds to an execution process available to said destination computer to be triggered to operate (i.e. 0054, 0064) as claimed.

Per claims 17-30, they are another product versions of claims 2-15, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 2-15 above.

Per claims 31-45, they are the method versions of claims 1-15, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 1-15 above.

Per claims 46-60, they are the method versions of claims 16-30, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 16-30 above.

Per claims 61-75, they are the apparatus versions of claims 1-15, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 1-15 above.

Per claims 46-60, they are the apparatus versions of claims 16-30, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 16-30 above.

Response to Arguments

9. Applicant's arguments filed 12/12/2005 have been fully considered but they are not persuasive.

Per claim 1:

The Applicant states that:

Uszok does not disclose specifying XML data sent by said source computer.

In response, the plug-ins can be passed from the botServer manager to plug-in manager, which is the target process. Both managers are performed at the same target computer botServer (fig. 4; 0079; 0080).

Uszok does not disclose parsing and matching each complex data type... to said destination computer.

In response, Uszok states matching mechanism (0133) and the XML-based interaction protocols define a set of states that a bot may exist in, rules of transition from one state to another and a description of the schema of data that can be exchanged between participating parties in order to transition from one state to another (0128).

Per rejection under 35 U.S.C. 112, second paragraph:

The applicant argues that “operable” means “function.” However, the claims do not recite the word “function” and the two terms are different in scope. It is recommend either to delete the word “operable” or replace it with “function.”

Conclusion

10. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 12/14/2005 and 2/16/2006 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Insun Kang whose telephone number is 571-272-3724. The examiner can normally be reached on M-F 7:30-4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 571-272-3719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

I. Kang
AU 2193



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